

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JOHN W. PEROTTI,)	
)	
Petitioner,)	
vs.)	2:10-cv-19-WTL-DML
)	
HELEN MARBERRY, Warden,)	
)	
Respondent.)	

Entry and Order Directing Dismissal of Action

For the reasons explained in this Entry, the petition for a writ of habeas corpus filed by John Perotti is **denied** and this action is summarily dismissed. *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.”).

Perotti is confined at a federal prison within the Southern District of Indiana and seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241(c)(3). Habeas corpus review is available only “where the deprivation of rights is such that it necessarily impacts the fact or length of detention,” *Leamer v. Fauver*, 288 F.3d 532, 540 (3d Cir. 2002), meaning, in part, that a challenge to the conditions of confinement may not be brought pursuant to 28 U.S.C. § 2241. *Graham v. Broglin*, 922 F.2d 379, 381 (7th Cir. 1991); *Falcon v. U.S. Bureau of Prisons*, 52 F.3d 137, 138-39 (7th Cir. 1995).

In this case, Perotti principally attacks his assignment at an administrative segregation unit within the prison. Whether justified or not, and whether judicially reviewable in some fashion or not, Perotti’s challenge to that housing assignment is not actionable under § 2241(c)(3). It is true that Perotti also mentions a disciplinary matter, but he does not link this with any decision which is expected to affect the fact or duration of his confinement, so this, too, is outside the scope of habeas corpus relief. *Montgomery v. Anderson*, 262 F.3d 641, 644 (7th Cir. 2001) (when no recognized liberty or property interest has been taken, which is the case here, the confining authority “is free to use any procedures it chooses, or no procedures at all”).

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 01/22/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana